

Application No. 10/669,285  
Amendment dated April 28, 2005  
Reply to Final Office Action of February 7, 2005

Docket No. 1212-5165

### **REMARKS**

Applicants respectfully request reconsideration of this application in view of the foregoing amendment and following remarks.

#### **Status of the Claims**

Claims 1-4 and 7-12 are pending in this application. Claims 1 and 10 are independent. All of the pending claims stand rejected.

By this amendment, independent claims 1, 7, 8, 10, 11 and 12 are amended. No new matter has been added by this amendment.

#### **Rejection under 35 U.S.C. §102**

Claims 1, 2, 4 and 7-12 have been repeatedly rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application Publication No. 2003/0007677 to Hiroi et al. ("Hiroi").

The Examiner indicates that Hiroi discloses the "determining a value of the parameter based on the feature values obtained by the second process and a reference value" and cites the sections 0033 and 0034 of Hiroi.

Applicants note that the cited portions of Hiroi disclose an operation of the inspecting apparatus as shown in Fig. 5. Applicants further note that the cited portions describes "the digital image is compared with a digital image of a place ... and a place giving rise to a difference is judged to be a defect candidate ..." The quoted portion of Hiroi describes how the defect candidate is judged out of the obtained image signal.

First of all, the cited portions of Hiroi by the Examiner does not show or suggest the "determining" step of the present invention as featured in claim 1 that determines a parameter

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value based on the plurality of feature values of the image signal obtained for each of the plurality of parameter values of the first process.

Nonetheless, independent claim 1 is amended for further clarification. In particular amended claim 1 is characterized in performing a second process that processes a signal obtained by the first process to obtain a feature value with respect to each of the plurality of values of the parameter, and further characterized in determining a value of the parameter based on the feature values obtained by the second process and a reference value defined with respect to the mark. Claim 10 has been amended to incorporate similar features to claim 1 as discussed herein.

Applicants believe that Hiroi including the cited portions by the Examiner does not show or suggest these aspects of the present invention as featured in amended claims 1 and 10, and each of claims 1 and 10 as amended is neither anticipated by nor rendered obvious in view of Hiroi for at least this reason.

Reconsideration and withdrawal of the rejection of claims 1 and 10 under 35 U.S.C. §102(e) is respectfully requested.

Applicants have not individually addressed the rejections of the dependent claims because Applicants submit that the independent claims from which they respectively depend are in condition for allowance as set forth above. Applicants however reserve the right to address such rejections of the dependent claims should such be necessary.

Applicants believe that the application as amended is in condition for allowance and such action is respectfully requested.

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Docket No. 1232-5165

**AUTHORIZATION**

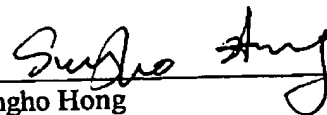
No petitions or additional fees are believed due for this amendment and/or any accompanying submissions. However, to the extent that any additional fees and/or petition is required, including a petition for extension of time, Applicants hereby petition the Commissioner to grant such petition, and hereby authorizes the Commissioner to charge any additional fees, including any fees which may be required for such petition, or credit any overpayment to Deposit Account No. 13-4500 (Order No. 1232-5165). A DUPLICATE COPY OF THIS SHEET IS ENCLOSED.

An early and favorable examination on the merits is respectfully requested.

Respectfully submitted,  
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Dated: April 28, 2005

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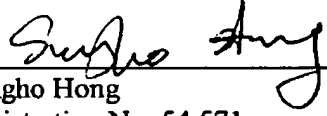
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